

# Disabilities Advisory Council Minutes

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**Meeting:** Disabilities Advisory Council  
**Date:** 3/5/2013  
**Start Time:** 2:00 P.M.  
**End Time:** 4:00 P.M.  
**Location:** Conference Room 1020A  
Multi-Agency State Office Building  
195 North 1950 West  
Salt Lake City, UT 84116  
**Type of Meeting:** Regular Monthly Meeting

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**Members:**

Peggy Augustine  
Debora Bowman  
Kristen Chapman  
Marsha Colegrove  
Dustin Erikson  
Tonya Hales  
Shane Sadler  
Paul Smith  
Krissie Summerhays  
Joseph Taggart  
Larry Valdez  
John Westling

**Present:**

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**Absent:**

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**Matters Discussed and Summary of Comments:**

Welcome and Announcements

- No Announcements

**Presenter:**

Deborah Bowman, Chair

Review and Approval of February Minutes

Deborah Bowman, Chair

- Move to Accept Minutes with Amendment to change the name "Donald Sadler" to "Shane Sadler" throughout Minutes
  - Motion by Paul Smith, Seconded, and passed unanimously

Housekeeping Items

Deborah Bowman, Chair

- Discussion on adjusting the room setting to place the public in a better position
- Confirmed that the meeting time works for everyone

DSPD Moment – Announcements and Soliciting Input:

Paul Smith

- Paul Smith introduced three (3) things that DSPD wanted to share with the Advisory Council for feedback and input:
  - Employment First Initiative

- Presentation of where the Division is at with Employment First
  - Back and forth Feedback section facilitated by Sara McCormick from the University of Utah
- Electronic Surveillance Rule
  - Wanted to bring this before the council before the Division completes a final publishing of this rule.
- Revisions to DSPD's Website
  - DSPS's attempt to address long overdue revisions to the website
- Deborah Bowman asks Paul Smith whether he would like the council to take a formal vote.
  - Regarding Employment First – Yes if there are concrete decisions the council would like to see DSPD take.
  - Regarding the Surveillance Rule – Absolutely.
  - Regarding the Website – DSPD is looking more for suggestions and feedback.
- Deborah Bowman Requests that Paul Smith give a brief update on the Legislative Session and the changes in the works that will affect DSPD and the people it services – if there is time.

Tricia Jones-Parkin: Introduces Employment First Language and Reasons for Doing this.

- Employment First is addressing legislation that was passed in 2012 to address employment for people with disabilities.
- Introduces the language of the Employment First Bill and the purpose of Employment First.
- Focuses on the National Movement to increase Employment First Priorities for Medicaid recipients.
- Identifies barriers to getting Employment First going
- Introduced the Employment First Annual Report for 2012 and The Unified State Employment First Partnership Plan.
- Employment First Legislation Applies to everyone – not just those on the waiting list.
- Gives some background on the history of Employment First and Tricia's involvement in the Employment first movement.

Discussion by Sara McCormick – introducing history of Employment First Movement and Getting Feedback from the Council.

- History of how the Employment First Movement came about and the groups that collaborated to further the initiative to spark Employment First Legislation.
- Where Employment First is at currently.
- Discussion of the Strengths of Employment First and advantages that are already in place to help implement it.
- Discussion of the Weaknesses and Challenges that we face in implementing Employment First.
  - Council discusses challenges faced for people who want to go to more activity based day program during the day and have supported employment at night, and it makes it difficult with how funding is currently set up.
- Discussion of the number of opportunities and resources out there to tap into when looking at implementing Employment First.
  - "It's a national movement"; Utah State Office of Rehabilitation (USOR) is an active partner; there are national trainings available; as well as a lot of other resources and programs.
- Discussion of threats to implementing Employment First.
  - Contrary to prevailing philosophy; funding issues; loss of structure for caregivers, etc.

- Soliciting feedback on additional strengths, weaknesses, opportunities and threats from the council:
  - Council introduces additional threats:
    - Federal Legislation as a whole can be a threat – it goes to more than just sequestration.
    - The Education system can pose a threat:
      - Issues with the educators understanding business and employment.
      - Fall short at times in teaching people the skills they will need.
      - Education programs and training must be open minded enough to see people with disabilities as more than just manual labor and see them as being capable of all opportunities.
  - Council discusses why education hasn't been as included in the group and the need for Employment First initiatives to include and work hand in hand with education groups and programs.
  - There is a problem that unless a person with significant disabilities has access to long-term supports from DSPD, Vocational Rehabilitation cannot serve them. So if people don't get funded, then they are facing a lot of roadblocks to getting Employment First initiatives off the ground.
    - It is true that Utah State Offices of Rehabilitation cannot provide funding unless there are long-term supports in place, so every year USOR has money that isn't being used that could go to help provide funding for employment because DSPD could not provide any more long-term supports.
    - Representative Menlove has tried to remedy this problem through legislation that allows DSPD to provide some limited ongoing funding, to provide long-term supports to those who would benefit from supported employment. This allows USOR to serve some people on the DSPD waiting list, by providing them rehab services, after which come into supported employment services in DSPD with state only funds. They still do not come into the waiver, but are given long-term state funded services.
      - This is set up now for 200 people. It received ongoing funding (\$250,000) last year.
      - This is big, but it still does not represent an ongoing solution for many people needing supported employment.
  - General consensus that in order for Employment First to work, it is going to take some time, it will take the introduction of some real flexibility in the system, it will take people changing their minds about what people with disabilities are capable of in the workplace.
  - Another problem with getting Employment First off the ground are some transition programs for persons with disabilities through the educational system. While student are in high school, they participate in programs where they earn credits and receive on-the-job training, while the company that participates gets labor without compensating students. This creates a disincentive for companies to hire graduates, because they can continually use transition students providing free labor.
    - There is also an early cost that companies take on in training that new employee, as jobs change and businesses change.
  - The Education system presents a significant opportunity.

- Involve the education system because there are simply not enough state employees to adequately focus on vocational help.
- Tricia: one problem is when job developers try to find employment for people in groups;
  - Employment needs to be individualized rather than placements as groups of people.
  - That takes a long time but the outcomes last.
  - We need to get away from the “Plan for the masses” approach and think person centered rather than group centered.

Tricia Jones-Parkin: What is next to get the Employment First Going; what are the steps we need to take to get into the strategic planning phase?

- Put together a focus group of stakeholders.
- Get UACS involved and put together a provider focus group:
  - Put together a meeting to gain input from Providers.
  - Possible to both educate providers and get feedback at the same time.
  - Marsha Colegrove is a key individual to set things up with UACS.
- Work with USDC and get input from them.
  - There are persons at USDC looking for employment who should not be forgotten. Some of them are higher functioning individuals who are employable.
- Would like to see them get valuable input from these sources too, but at the same time it would be nice to see the Employment First get into the strategic planning phase.
- It would be a good idea to present something at an ISCA meeting as well, and Krissie Summerhays can facilitate a presentation with ISCA.
- Kris Fawson –go around and talk to families:
  - Because one problem that you face is the fear that families face in letting their children and loved ones go out and be involved in employment.
  - Council agrees that it is important to find a way to connect with families more:
    - For example: go to Utah Parent Center workshops and explain to the parents what the goals are and get feedback and help address fears.
    - There is a missing connection with gaining feedback from parents.
- Look for places to find parents to get feedback:
  - GAP
  - Family to Family
    - Focus group to the Autism conference.
    - Family links conference
  - Distribute emails

Nate Wolfley and Paul Smith: Introducing the Electronic Surveillance Rule

- Introduction:
  - DSPD crafted a rule regarding Electronic Surveillance of persons in services at the specific request of persons in services who were upset by the thought of being constantly watched and monitored.
  - The rule was crafted and shared with a number of outside sources including providers.
  - DSPD included a notice that this would be published and then available for public comment.
  - DSPD to this date, still has not received any public comment.
  - Paul Smith gives a couple of examples of what this Rule is designed to prevent.

- DSPD does not want cameras used to monitor people in residential settings without their consent.
  - DSPD recognizes that there will be times in which persons in services want electronic surveillance. This Rule does not prohibit this, and is not intended to do so when the person elects to have electronic surveillance.
- Deborah Bowman and the council point out that Subsection R539-3-7(5) appears to restrict a person's ability to elect to use electronic surveillance in lieu of direct supervisory staff, should that be convenient, cost effective, or in the persons' best interest.
  - For this reason, the provision is confusing.
- The rest of the rule seems to strike an appropriate balance.
- Dustin Erekson makes a motion to accept the rule change, with the modification to R539-3-7(5). Seconded. All in favor, none opposed.

#### Nate Wolfley: Revisions to DSPD's Website

- Introduction:
  - The entire Department of Human Services and all of the agencies under DHS are updating their websites to a more user friendly accessible tool.
  - As part of that DSPD has set an aggressive launch date to have its website launch on June 1, 2013. It's an aggressive launch date that should convey how serious DSPD is in making changes to its website that will benefit the public, persons in services, providers, and anyone who has a need to gain information or help from DSPD.
  - DSPD recognizes that its current website is not functional and is not a very good tool for anyone to use, and is looking to the council to give feedback on the latest mockup for the new DSPD homepage.
- Discussion about what it is that the council would hope to see on the new website and what would be most helpful.
  - The council and members of the public in attendance: Joyce Dolcourt and Kris Fawson, provided very helpful feedback on a variety of issues to improve the new website.

#### Paul Smith: Brief Legislative Update

- Paul gives a brief update on three (3) Bills which impact DSPD directly:
  - S.B. 259 – Amendments to Disability Waiting List.
    - This Bill changes the way the waiting list appropriations are distributed.
    - 15% will go to those who only need respite services.
    - 85% will continue to serve individuals based on the severity of the need.
    - It also allows the Division to use any one-time carry forward funding for Division only services which gives more flexibility in providing services to a wide range of people.
  - S.B. 17 – Account for People with Disabilities
    - Provides better protection for proceeds gained from use of the land at USDC and establishes a restricted special revenue fund that is much better protected from the legislature using it for anything they want.
  - S.B. 200 Makes Changes to the Statutory Background Check Requirements for UTA.
    - All new UTA employees hired after July 1, 2013 to operate a paratransit route will go through DSPD's background check requirements initially;
    - After that, UTA employees will be allowed to be screened using UTA's background check policies.

There are no additional items brought up from the public in attendance.

DSPD will set the agenda for the next meeting with items it wants the council to consider as well as provide an update on all the changes from the 2013 Legislative Session.

Peggy Augustine motion to Adjourn. Seconded and passed unanimously.

Adjourned.